

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ANNA MARIE RHOADS	§	
	§	
V.	§	NO. 9:99-CV-25
	§	
COMMISSIONER OF SOCIAL	§	
SECURITY ADMINISTRATION	§	

**MEMORANDUM AND ORDER FOR ADMINISTRATIVE CLOSING**

This action is referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1) and order issued February 28, 2000 (Docket No. 20).

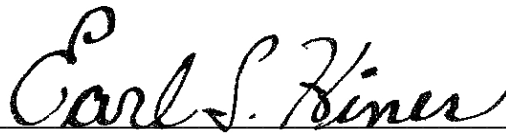
Plaintiff Anna Marie Rhoads filed a petition for a federal writ of mandamus against the Commissioner of the Social Security Administration, alleging that the Commissioner has incorrectly calculated her disability benefit payments. Proceeding *in forma pauperis*, she alleges that mandamus is the appropriate avenue to compel the Commissioner to prove the accuracy of her benefit payments.

The court convened a hearing on plaintiff's petition on August 30, 2005, to receive evidence and hear arguments on the issues presented in plaintiff's petition. At the hearing, plaintiff and counsel for the Commissioner agreed to meet and discuss the accuracy of the disability payments. This development likely will resolve the matter. Given this circumstance, it is not necessary for this matter to remain on the court's docket. It is therefore

**ORDERED** that plaintiff's Petition for Federal Writ of Mandamus and/or Relief Pursuant to Federal Administrative Procedure Act (Docket No. 39) and plaintiff's Amended Petition for Federal Writ of Mandamus (Docket No. 45) are **DENIED** as moot, without prejudice to reassertion, should plaintiff discover that issues regarding accuracy of plaintiff's calculations of disability payments remain unresolved. It is further

**ORDERED** that this action is administratively **CLOSED** for statistical and administrative purposes.

SIGNED this 6th day of September, 2005.

A handwritten signature in cursive script, reading "Earl S. Hines", written in black ink. The signature is positioned above a horizontal line.

Earl S. Hines

United States Magistrate Judge